

# THE DAILY COMMONWEALTH.

VOL. 7.

FRANKFORT, KENTUCKY, JANUARY 25, 1858.

NO. 47.

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Sept. 9, 1857—1.

FRANKLIN GORIN. A. M. GAZLAY.

GORIN & GAZLAY,  
Attorneys and Counselors at Law,

LOUISVILLE, KY.

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Aug. 17, 1857—1.

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PROPOSE to practice in the various Courts of Polk

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# THE COMMONWEALTH.

## KENTUCKY LEGISLATURE.

IN SENATE.

SATURDAY, Jan. 23, 1858

Prayer by the Rev. J. B. THARP of the Baptist church.

The Journal of yesterday was read by the clerk.

MESSAGE FROM THE H. R.

A message was received from the H. R. announcing the passage of several bills which originated in that House, and also that they had passed Senate-bills of the following titles, viz: an act to amend the act to establish equity and criminal courts in the first judicial district. An act for the benefit of Wm. M. Fox and J. Crawford. An act to authorize the trial of common law causes at special terms of the Christian circuit court. An act to fix the time of holding circuit courts in the 5th judicial district.

### PETITIONS

Were presented by Messrs. FISK and TAYLOR, and appropriately referred.

NOMINATIONS OF BANK DIRECTORS, &c.

The nominations of bank and railroad directors made by the Governor on yesterday were advised and consented to by the Senate.

REPORT FROM THE AUDITOR—BLIND ASYLUM.

The SPEAKER laid before the Senate the report from the Auditor in relation to the expenditures of the blind asylum: ordered to be printed.

### REPORT OF ENROLLMENTS.

Mr. WALTON from the committee on Enrollment reported several H. R. and Senate bills correctly enrolled; which were signed by the SPEAKER.

### PENITENTIARY BILL.

The H. R. sent a message by Messrs. READ and CHAMBLIN asking to withdraw the report of their disagreement to the Senate's amendment to the penitentiary bill: leave was granted and the bill returned to the H. R. committee to be taken back to that House.

### REPORTS OF STANDING COMMITTEES.

The unfinished report of the Finance committee being in bill for the benefit of George W. Kouns: was taken up.

Mr. TAYLOR offered a substitute for the bill, allowing Kouns to sue the State to adjust his claim instead of making an appropriation.

Mr. RUST opposed the substitute, and Mr. TAYLOR advocated it.

Some other gentlemen took part in the discussion.

The amendment of Mr. TAYLOR was then adopted: and the bill was then passed by yeas 24, nays 9.

Mr. IRVINE, Banks—made a report accompanied by a bill, reading dispensed with and ordered to be printed; and the bill made special order for Tuesday next at 11 o'clock.

The bill continues in force the charters of the bank of Louisville, Northern bank of Kentucky, and bank of Kentucky, for twenty years after their present charters expire and retain the power to prohibit the issue of notes less than \$5.

Mr. IRVINE, Banks—a bill to charter the platters' bank of Kentucky at Paducah, made the special order for next Thursday at 11 o'clock, and ordered to be printed.

### ORDERS OF THE DAY.

A bill to increase the terms of the court of appeals, was taken up.

Mr. ANDREWS offered an amendment; which is to place the time of the commencement of the sessions of the court on the 1st Mondays of June and December; instead of April and October as proposed in the bill: adopted.

The bill was then passed, and is as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That, hereafter, the court of appeals shall hold, annually, two terms, commencing on the first Monday in June and December, and shall sit ninety judicial days, and longer, if the business require it.

This act shall take effect from and after the expiration of the term of the court of appeals which commenced on the first Monday in December, 1857.

A bill to increase the salaries of certain officers was taken up, it fixes the salaries as follows:

Governor, \$3,500; Judges of the appellate court, \$2,500; Judges of circuit courts, \$2,000; Auditor, \$3,000; Chancellor of Louisville, \$2,500; Chancellor of 1st judicial district, \$2,000; Treasurer, \$3,000.

All to take effect on the 30th March, 1858, except the Governor's and his to take effect with the next General.

Mr. ANDREWS advocated the bill.

Mr. WALTON opposed it.

Mr. PORTER spoke in favor of the bill.

Mr. SUDDUTH opposed the bill as to judge's salaries, but was in favor of the balance.

Mr. FISK advocated the bill.

Mr. HAYCRAFT also spoke briefly in favor of the bill except as to the judge's salaries.

Mr. ANDREWS moved to amend the bill by giving the attorney general \$1,000 per year.

Mr. SUDDUTH replied to Mr. FISK's remarks, and opposed the amendment.

Mr. WALTON again opposed the bill and amendment.

Mr. FISK moved to make the attorney general's salary \$750; accepted by Mr. ANDREWS in lieu of his amendment.

The amendment was then rejected by yeas 14, nays 20.

Mr. PORTER moved to amend the bill by making the Louisville chancellor's salary \$2,000 instead of \$2,500 as proposed in the bill.

The amendment was adopted.

Mr. EDWARDS moved an amendment to make the Governor's salary \$3,000 instead of \$3,500 in the bill: rejected.

Mr. WALKER moved that the Governor's salary be \$2,500; negatived by yeas 15, nays 18.

Mr. WALKER moved to make the salary of the judges of the court of appeals \$2,000; rejected by yeas 13, nays 20.

Mr. WALKER moved to make the circuit judges salary \$1,500, negatived by yeas 14, nays 19.

Mr. WALKER moved to strike out \$3,000 as the Auditor's salary and insert \$2,000.

Mr. ANDREWS moved an adjournment: carried yeas 18, nays 15.

### HOUSE OF REPRESENTATIVES.

SATURDAY, Jan. 23, 1858.

Prayer by the Rev. Mr. THARP, of the Baptist church.

The journal of yesterday was read by the clerk.

### PETITIONS

Were presented by Messrs. BARTON, KELSEY, G. S. CALDWELL, HUEY, and TRAPNELL, which were received and appropriately referred.

### LEAVE OF ABSENCE

Was granted to Mr. KENDALL, until Tuesday next: also to Mr. ROBB, the Sergeant-at-arms, until Monday next: also to Mr. STITT, until Tuesday next.

### MOTION.

On motion of Mr. REID, the clerk was directed to withdraw from the Senate a bill concerning the penitentiary.

### REPORT OF THE BLIND ASYLUM.

The Speaker laid before the House the report of the Blind Asylum, for the years 1856-'7.

### PENITENTIARY BILL.

Mr. MACHEN moved to reconsider the vote by which the amendment of the Senate was disagreed to, and the same was reconsidered.

The question then being upon concurring in the amendment of the Senate, which strikes out \$5,000 and inserts \$12,000, as the price of the lease,

Mr. BURNS demanded the yeas and nays, which being taken, resulted as follows:

Yeas—Messrs. Speaker, (White) Armstrong, Barber, Bates, Boardman, Bowler, Brown, Bruce, Burns, G. S. Caldwell, J. L. Caldwell, Chamblin, Clement, Combs, Clegg, Daniel, Davis, Drane, Duncan, Eaves, Ellis, Ficklin, C. Field, Jr., Fleming, Foss, Goodloe, G. W. Hamilton, W. H. Hamilton, Hansford, Hardy, Harrod, Hensley, Kelsey, Leathers, Lindsey, Lyon, Lyon, Maclean, Marshall, McAfee, McDaniel, McMillan, Morse, Newell, Parker, Patton, Payne, P. W. Payne, Pennebaker, Richford, Reid, Richardson, Roberts, Russell, Schree, Shanks, Sharrow, Thomas, Thompson, Trapnall, J. T. White, Whitt, Wickliffe, Wilson, Winfrey, Woods, Wooley, and Worthington—50.

Nays—Messrs. Anthony, Dickey, Dobyns, A. H. Field, Newell, Roach, Smith, and Winston—8.

So the amendment was concurred in.

Mr. HUSTON moved to reconsider the vote by which the Senate amendment, allowing the prisoners coffee once each day, was concurred in.

Mr. HUSTON demanded the yeas and nays, which being taken, resulted: yeas 19, nays 67.

So the House refused to reconsider.

### RESOLUTIONS

Mr. ANTHONY offered the following resolution which was adopted:

Resolved, That the committee on the Judiciary be instructed to bring in a bill increasing the jurisdiction of justices of the peace to \$100.

Mr. DEHAVEN proposed that the House should make this resolution a test question upon the principle embodied in the resolution.

Mr. TRAPNALL proposed to amend the resolution by striking out "\$100" and inserting "\$1,000."

Mr. A. H. FIELD proposed to amend the amendment, by inserting a clause to abolish circuit and quarterly courts.

Mr. CHAMBLIN demanded the previous question which was ordered.

Mr. A. H. FIELD'S amendment was rejected.

Mr. TRAPNALL'S amendment was then rejected.

Upon the question of the adoption of the resolution, Mr. WHITE demanded the yeas and nays which resulted yeas 31, nays 53.

So the House decided against the policy of increasing the jurisdiction of magistrates.

Mr. CHAMBLIN offered the following joint resolution:

Resolved by the General Assembly of the Commonwealth of Kentucky, That the Governor be, and is hereby requested and directed to have the remains of Gabriel Slaughter, late acting Governor of this Commonwealth, removed from Mercer county where they are now deposited, and appropriately interred in the Franklin cemetery, and also the remains of James Clark, John Adair, James Garrard, and Thomas Metcalfe, the consent of the nearest relatives being first had and obtained.

The rule requiring joint resolutions to lie one day on the table was dispensed with and the resolution adopted.

Mr. WHITE offered the following resolution which was adopted:

Resolved, That the use of this hall be tendered to the Convention of the American party, to be held on the 27th instant.

Mr. COMBS proposed the following resolution which was rejected:

Resolved, That on and after Monday next there shall be a morning and evening session of this House each day, the morning session to commence at 9 o'clock and the evening session at 7 o'clock.

Resolved, That as the illness of the principal clerk will probably prevent his further attendance during the two next weeks, that he be directed to appoint another assistant clerk to keep the journal of the evening session, and that the journal of the morning sessions, be read in the morning, and of the evening sessions in the evening.

Mr. MORSE offered the following resolution which was adopted:

Resolved, That the Auditor of Public Accounts, be, and is hereby requested to furnish this House, as soon as he can prepare the same, with a statement showing the number of circuit judges and chancellors now in the State, also the number of courts each judge or chancellor has failed to attend within the last year, together with the cause of such failure, (if known) also showing the amount of money paid to prominent judges and chancellors in each county and circuit within the last year.

Mr. GRAY offered the following resolution:

Resolved, That during the remainder of this session of the General Assembly, no member of this House shall be permitted to occupy the floor at any one time exceeding twenty minutes.

Mr. LEATHERS proposed to amend by adding that the member shall not speak upon any subject.

Mr. DEHAVEN proposed to amend by adding the words "and preserve a dignified silence."

The resolution and amendments were laid on the table.

Mr. MEADE offered the following resolution which was adopted:

Resolved, That the public printer be requested to lay before this House a statement in writing showing the cost of printing connected with the Geological survey, since the meeting of the last Legislature.

Mr. BRAN—offered the following resolution which was adopted:

Resolved, That on and after Monday the 25th instant, the House meet at 9 o'clock, A. M.

Mr. DANIEL offered the following joint resolution which was adopted:

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THE COMMONWEALTH.  
FRANKFORT.

THOMAS M. GREEN, Editor.

MONDAY:.....JANUARY 25, 1858.

THE price of the DAILY COMMONWEALTH for the session will be \$1 50—and for the Weekly, 75 cents—variably in advance.

American State Convention.

The American Executive Committee for the State at large have called a convention of the delegates of the American party of the State to nominate a candidate for Clerk of the Court of Appeals.

The convention will be held in this city, Wednesday, January 27th inst. The basis of representation will be two delegates for each Representative district; that is, two delegates for each Representative in the lower branch of the State Legislature.

It is hoped that this Convention will be fully attended, and that the watch fires of the American party will be made to glow with renewed brightness throughout the State.

American papers throughout the State are requested to call attention to this Convention.

Money Lost.

The editor of this paper had the misfortune, on Friday, to lose a roll of money containing \$243. The money was in four \$50, and four \$10, and one \$3 bills. It must have been lost somewhere between the State House and the Capital Hotel, by way of the Commonwealth office, or between the Capital Hotel and the Commonwealth office, by way of the Odd Fellows Hall, or between the Commonwealth office and Col. Hodges'. The finder, besides conferring an inconceivable obligation upon me, will, upon returning the money, receive a handsome reward.

THOMAS M. GREEN.

THE Governor's house will be open for the reception of company from 8 o'clock until 11 1/2 o'clock, on every Monday evening during the session of the General Assembly.

The Penitentiary Bill.

In our paper, a few days ago, we announced our intention to continue the discussion of the merits of the controversy concerning the increase of the sum for the lease of the Penitentiary, but, by a reference to our report of the House proceedings of Saturday, it will be found that such a course would be superfluous. The House, on Saturday, passed the Senate's amendment by an overwhelming majority, and to this fact we would call the particular attention of our respected contemporary of the Lexington *Statesman*, who, for a time, thought that the Democrats should treat with contempt, the attempt on the part of the Americans, "to make profit out of crime." Although quite a number of very respectable Democrats thought it highly culpable that the State should attempt to realize any benefit from the labor of the convicts, they could not see the impropriety of a private individual, if he was a Democrat, accumulating a fortune from the same source. Some conscientious individuals were seriously alarmed for fear that Mr. South could not make much money by leasing the prison at \$12,000 per annum, and dreaded lest his avariciousness might get the better of him, and that he might be induced to maltreat, to overwork, or starve, the unfortunate convicts, in order to realize a profit from their labor. For ourselves, we never had any such misgivings or apprehensions concerning the gentleman's character; but if some Democrats were really in earnest in their opinions, we advise them to elect someone who is above such temptation.

The *Statesman* says:

"The present Keeper, who has for the last two years paid less than \$6,000, has suddenly discovered that he can afford to pay \$12,000, and our K. N. legislators who have been for thirty years a constant to lease the prison to their own parties at a sum far less than that amount, are just now awoke to the importance of securing to the State an enormous revenue from crime."

It will take such little trouble to convince our contemporary that the main assertion in the above extract is untrue, that we will undertake the task. "Our K. N. legislators" have not been for thirty years content to lease the prison to their own parties at a sum far less than \$12,000, for the simple reason that it is only within the last two years that the prison has been leased at all. Prior to the last session of the Legislature the prison had been managed as a partnership affair between the State and the Keeper, in which the Keeper received one third of the profits. While this feature continued, the State hardly realized a cent of profit from the prison, and the Auditor's books will show that the present Keeper is the only one who has paid money into the Treasury for many years. The K. N. legislators did better for the State by leasing the prison to him at \$6,000 per annum, than had been done by any previous Legislature since a State prison was first erected in Kentucky. He might possibly have been able to afford to pay a larger sum for the prison for the three years from March, 1856; but as the State had at no previous time received so large a sum, the General Assembly, acting upon the report of the agent of the State, readily leased it to Mr. Ward at that sum—and we ask if honor required him to give more, when he could have got it for \$6,000? We think not. But within the last two years the profits of the prison have more than doubled, and Mr. Ward is now willing to give double the amount offered by him two years ago, rather than not have his lease renewed. We understand that several Democrats, also, think they can afford to pay that sum, and if Mr. South cannot manage as to pay as much as others can, he should not get the place. We hardly expect Mr. Ward to obtain a renewal of his lease, but do not think that Mr. South should have it unless he is willing to pay as much as shall be offered by equally as good Democrats as he is. Or, in other words, we do not think that the mere fact of his being the caucus nominee of the Democratic party, justifies the Democratic legislators in throwing away \$1,000 of the State's profits for his benefit. Let him execute a bond for the payment of the \$12,000 per annum, or withdraw in favor of those who can do so.

American Meeting.

At a meeting of the American party of Franklin county, at the Court House in Frankfort, on Saturday, Jan. 23d, 1858, Hon. Ben Monroe was called to the Chair and H. I. Todd appointed Secretary.

The object of this meeting having been explained by the Chair—to appoint delegates to attend the American Convention, to be held in this city on the 27th, the following persons were appointed as delegates to attend said Convention, viz:

From Forks of Elk River—Rev. Cad. Lewis, Jno. Cutcher, Sam. Clay, Hillery Bedford, and Ross Steele.

From Peaks Mill—Sam. Steele, C. D. Morris, J. R. Gay, Taylor Graham, and L. Y. Hodges.

From Bell Knob—Milton Simonis, Wm. Brewster, W. Wash Sudduth, Wm. Allen, and Nicholas Rodgers.

From Bridgeport—Jno. W. Russell, Jno. Mayhew, Richard Allen, Joseph Terry, Jno. Russell Hawkins.

From Frankfort—P. Swigert, O. Brown, H. J. Todd, R. K. Woodson, James Monroe, Jno. M. Harlan, Jno. Rodman, Hon. B. Monroe, R. Gillis, A. G. Hodges, T. L. Grittenden, J. W. Pruitt, C. A. Merchant, T. P. A. Bibb, M. A. Gay, W. H. Gray, Richard Cutcher, and A. G. Bacon.

J. W. Pruitt, A. G. Bacon, and James R. Watson, were appointed a committee of arrangements, to secure a suitable place for the State Convention to hold its meetings.

Resolved, That our delegates go uninstructed, and we pledge our cordial support to the nominee of the Convention. B. MONROE, Pres't. H. I. Todd, Sec.

American Meeting in Green.

At a meeting of the Americans of Green county, at Greensburg, on the 19th January, 1858, J. N. REAN, Esq., was called to the Chair and R. O. HUNDLEY, appointed Secretary; and thereupon the following resolutions were unanimously adopted:

WHEREAS, The American party of the State is to meet in Frankfort on the 27th inst., for the purpose of nominating a candidate for the office of Clerk of the Court of Appeals,

Resolved, That it is the opinion of this meeting that our fellow-citizen, Col. Wm. B. ALLEN is the man to make the race for said office, his legal knowledge, his qualification as a clerk, his age, and long experience in active business, fits and qualifies him to fill said office with credit to himself and to the satisfaction of the people of the State.

Resolved, That we believe from the location of Col. ALLEN, his extensive acquaintance and great popularity, he can get more votes in the Green river country for said office than any other man in the State.

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